

# HOUSE . . . . . No. 1616

By Ms. Khan of Newton, petition of Kay Khan and others relative to mental health examinations and services for inmates of certain correctional institutions in the Commonwealth. Mental Health and Substance Abuse.

## The Commonwealth of Massachusetts

### PETITION OF:

Kay Khan	Elizabeth A. Malia
John W. Scibak	Barbara A. L'Italien
Frank I. Smizik	Louis L. Kafka
J. James Marzilli, Jr.	Shirley Owens-Hicks
Anne M. Paulsen	Carl M. Sciortino, Jr.
Douglas W. Petersen	Ruth B. Balser
Cory Atkins	Cynthia Stone Creem
Denis E. Guyer	Michael E. Festa
Kathleen M. Teahan	Thomas M. Stanley
Ellen Story	Richard R. Tisei
Patricia D. Jehlen	Joyce A. Spiliotis
Jennifer L. Flanagan	Gloria L. Fox

In the Year Two Thousand and Five.

### AN ACT RELATIVE TO MENTAL HEALTH.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1 SECTION 1. Chapter 126 of the General Laws, as appearing in
- 2 the 2000 Official Edition, is hereby amended by inserting, after
- 3 section 27, the following new section:
- 4 Section 28. Mental Health Examinations and Services.
- 5 The sheriff shall ensure that each person admitted to a county
- 6 correctional facility, including a house of correction or jail, shall
- 7 have access to mental health care consistent with his or her needs.
- 8 Mental health care shall include but not be limited to suicide

9 screening, mental health and substance abuse screening upon  
10 admission or transfer to a facility; mental health assessment  
11 within two weeks of admission or transfer and periodically there-  
12 after; a comprehensive mental health evaluation within a time  
13 frame appropriate to the level or urgency; suicide prevention;  
14 crisis intervention; an individualized plan of care; psychiatric  
15 services, including medication and medication monitoring; indi-  
16 vidual and group psychotherapy; evaluation for transfer to a  
17 mental health facility; and discharge planning, including referral  
18 to appropriate mental health services at the time of release and  
19 sufficient medication for continued treatment until enrollment in a  
20 public or private health plan.

21 a. Each such correctional facility shall comply with the princi-  
22 ples and guidelines of the current version of the American Psychi-  
23 atric Association Task Force Report on Psychiatric Services in  
24 Jails and Prisons, or such higher standards as the sheriff may  
25 require, with respect to the provision of mental health care.

26 b. The department of mental health shall inspect each such cor-  
27 rectional facility at least annually to determine compliance with  
28 this section. The commissioner of mental health shall make a  
29 report of the findings and any recommendations from each inspec-  
30 tion to the sheriff, including any recommendations for revisions to  
31 the standards for the provision of mental health care.

32 c. The sheriff shall require in each such correctional facility  
33 periodic training of administrative, health care and correctional  
34 staff in the care of persons who are suicidal and/or mentally ill  
35 and shall, in consultation with the commissioner of mental health,  
36 develop protocols for such training.

1 SECTION 2. The department of mental health shall file an  
2 annual report of its inspections of mental health care in county  
3 correctional facilities for the prior year, including any recommen-  
4 dations, with the secretary of the executive office of public safety,  
5 the secretary of the executive office of health and human services,  
6 the commissioner of corrections, each sheriff, the house and  
7 senate committees on ways and means, the joint committee on  
8 human services and elderly affairs and the mental health caucus.

1     SECTION 3. Chapter 127 of the General Laws, as appearing in  
2     the 2000 Official Edition, is hereby amended by inserting, after  
3     section 17, the following new section:

4     Section 17A. Mental Health Examinations and Services.

5     The commissioner shall ensure that each person admitted to a  
6     state correctional facility, with the exception of Bridgewater State  
7     Hospital, the Treatment Center for Sexually Dangerous Persons,  
8     and the Addiction Center at Southeastern Correctional Center,  
9     shall have access to mental health care consistent with his or her  
10    needs. Mental health care shall include but not be limited to sui-  
11    cide screening, mental health and substance abuse screening upon  
12    admission or transfer and periodically thereafter; a comprehensive  
13    mental health evaluation within a time frame appropriate to the  
14    level of urgency; suicide prevention; crisis intervention; an indi-  
15    vidualized plan of care; psychiatric services, including medication  
16    and medication monitoring; individual and group psychotherapy;  
17    evaluation for transfer to a mental health facility; and discharge  
18    planning, including referral to appropriate mental health services  
19    at the time of release and sufficient medication for continued  
20    treatment until enrollment in a public or private health plan.

21    a. Each such correctional facility shall comply with the princi-  
22    ples and guidelines of the current version of the American Psychi-  
23    atric Association Task Force Report on Psychiatric Services in  
24    Jails and Prisons, or such higher standards as the sheriff may  
25    require, with respect to the provision of mental health care.

26    b. The department of mental health shall inspect each such cor-  
27    rectional facility at least annually to determine compliance with  
28    this section. The commissioner of mental health shall make a  
29    report of the findings and any recommendations from each inspec-  
30    tion to the sheriff, including any recommendations for revisions to  
31    the standards for the provision of mental health care.

32    c. The sheriff shall require in each such correctional facility  
33    periodic training of administrative, health care, and correctional  
34    staff in the care of persons who are suicidal and/or mentally ill  
35    and shall, in consultation with the commissioner of mental health,  
36    develop protocols for such training.

1     SECTION 4. The department of mental health shall file an  
2     annual report of its inspections of mental health care in state cor-

3 rectional facilities for the prior year, including any recommenda-  
4 tions, with the secretary of the executive office of public safety,  
5 the secretary of the executive office of health and human services,  
6 the commissioner of correction, each sheriff, the house and senate  
7 committees on ways and means, the joint committee on human  
8 services and elderly affairs and the mental health caucus.